HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
City Council Meeting
November 15, 2022

APPROVED Minutes

4:00 p.m. Closed Executive Session
5:00 p.m. Work Meeting
6:00 p.m. Regular Meeting

I. CLOSED EXECUTIVE SESSION-4:00 P.M.

1. Personnel

Mayor Franco called the meeting to order at 4:04 p.m. and welcomed everyone present.

Motion: Council Member Stack moved to enter Closed Executive Session for the purpose of discussing personnel. Council Member Phillips made the second. **Voting Yes:** Council Members Barney, Johnston, Kahler, Phillips, and Stack. The meeting entered Closed Executive Session at 4:05 p.m.

City Council Present: Mayor Heidi Franco
Council Member Yvonne Barney
Council Member Mike Johnston
Council Member Rachel Kahler
Council Member Scott Phillips
Council Member Ryan Stack

Staff Present: City Manager Matt Brower
City Attorney Mark Smedley

Also Present: Jeremy Cook

Motion: Council Member Stack moved to adjourn the Closed Executive Session. Council Member Phillips made the second. The Closed Executive session ended at 5:00 p.m.

II. WORK MEETING-5:00 P.M.

Mayor Franco called the Work Meeting to order at 5:03 p.m. and welcomed everyone present.

City Council Present: Mayor Heidi Franco
Council Member Yvonne Barney
Council Member Mike Johnston

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City Council Present cont: Council Member Rachel Kahler
Council Member Scott Phillips
Council Member Ryan Stack

Staff Present: City Manager Matt Brower
City Attorney Mark Smedley
City Planning Director Tony Kohler
Senior Planner Jamie Baron
City Engineer Russ Funk
Assistant City Engineer Gordon Miner
Finance Manager Wes Bingham
Officer Heath Harvey

Staff Participating Remotely: Senior Planner Jamie Baron, Assistant Engineer Kyle Turnbow, Public Works Director Matthew Kennard, IT Specialist Anthon Beales, City Attorney Mark Smedley, City Engineer Russ Funk, and City Finance Manager Wes Bingham.

Also Present: Jeremy Cook, Josh and Jake Luekenga, Anthony Maxfield, Jim Petersen, Seth Hobby, Phil Lyons, Jeanine Lyons, Rob F Gill, Landen Bonner, Bret Anderson, Eric Thacker, Robin Knight, Richard Knight, Rodney W Hopkins, Shirley Lee Zane, Terry Aezer, Paul Linford, Julie Wood, Brittany Wood, Robert and Valenda Scarbeary, Zachery Maxwell, Mike Bradshaw, and others who did not sign in or whose signatures were illegible.

Also Attending Remotely: (Names are listed as signed-in virtually) Mike Dixon, Tom Wilson, Kelli G, Paul Berg, Chris Goff, Denna, James Stout, Howard Saldarini, Jeff, Joe, Kevin, Kristen Saldarriana, Marian, Mike Lunch, Nancy Geisler, Nate, and Sandi Brower.

1. Discussion regarding Luekenga and Goldstream proposed developments, including Affordable Housing dedication, in the North Village Annexation area (Kohler) – 60 min

WM Item 1 NV Annexation-Ord 2022-27

City Planning Director Tony Kohler explained that the North Village Annexation included four separate developers. Council had directed that each of the four developers negotiate a Master Development Agreement (MDA) with the City prior to Council approval of the annexation. Two of the four properties had changed ownership and Council wished to further refine the MDAs with the new developers, Luekenga and Goldstream, including specifics for affordable housing dedication.

III. REGULAR MEETING-6:00 P.M.

1. Call to Order

Mayor Franco called the meeting to order at 6:07 p.m. and welcomed everyone present.

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2. Pledge of Allegiance (Mayor Heidi Franco)

Mayor Franco led the recitation of the Pledge of Allegiance.

3. Prayer/Thought by Invitation (Default: Council Member Johnston)

Council Member Johnston stated the attitude of gratitude was something everyone should hold in their hearts. He recited the following quotes:

'Acknowledging the good that you already have in your life is the foundation for all abundance'.
– Eckhart Tolle, Philosopher

'Gratitude unlocks the fullness of life. It turns what we have into enough, and more… It can turn a meal into a feast, a house into a home, a stranger into a friend.'
– Melody Beattie

He hoped everyone would proceed into the holiday season with gratitude for what they had.

IV. CONFLICT OF INTEREST DISCLOSURE:

Council Member Stack disclosed a conflict of interest with agenda item three on the Action Items portion of the agenda.

V. CONSENT AGENDA:

1. Approval of November 1, 2022, City Council Meeting Minutes (Cooke)

11.1.2022 DRAFT Meeting Minutes

2. Approval of a Plat Amendment for Red Ledges Cabins Phase 1B Lots 37-39 (Woodbury)

CA 2 Staff Report Plat Amendment for Cabins at Red Ledges

Motion: Council Member Johnston made a motion to move Action Item's agenda numbers two, seven, and eight, onto the Consent Agenda. Council Member Phillips made the second. **Voting Yes:** Council Members Phillips, Stack, Barney, Johnston, and Kahler. **Voting No:** None. The **Motion Passed unanimously, 5-0.**

The following three agenda items were moved from the Action Items agenda to the Consent Agenda:

2. Consider Adoption of Ordinance 2022-30 to approve a Development Agreement for Agape, Inc., located at 90 East 900 South. (Baron) – 15 min

Item 2 Staff Report - Ord 2022-30 Agape DA

7. Consider approval of the 2023-2024 Fiscal Budget Calendar (Bingham) - 5 min

Item 7 Staff Report 2023-2024 Fiscal Budget Calendar

8. Consider Adoption of Ordinance 2022-31 to approve the 2023 Annual City Council Meeting Schedule (Cooke) - 5 min

Item 8 Staff Report Ordinance 2022-31 Annual Meeting Schedule

Motion: Council Member Johnston made the motion to approve the five items now listed on the Consent Agenda. Council Member Stack made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** None. The **Motion Passed unanimously, 5-0.**

VI. PUBLIC COMMENTS:

No-one present from the public commented. Emailed comments follow the Minutes document.

VII. GENERAL BUSINESS ITEMS:

1. Public Hearing regarding the LA Bonner Annexation located at 928 North Mill Road (Kohler)

GB Item 1 Bonner Annexation PH-alk

City Planning Director Tony Kohler explained the State Code requirement to hold a Public Hearing for all annexations. The LA Bonner Annexation was within the boundary of the Heber City Annexation Policy Plan. Mr. Kohler described the approximate one-acre lot with a single land owner who wished to divide into two lots. He provided additional details regarding the property and the annexation process. He noted the amount of Staff time spent working on the annexation might warrant an annexation fee adjustment in the form of a partial refund to the petitioner. City Engineer Russ Funk provided the details of the proposed roundabout at the corner of the property.

Mayor Franco opened the Public Hearing at 6:24 p.m. With no one from the public coming forward to comment, Mayor Franco closed the Public Hearing at 6:25 p.m.

Mr. Bonner indicated his wish to remain connected to the water well located on the property rather than connecting to the City water. He agreed to connect to the City sewer system. Council majority agreed to allow the Bonners to keep the well connection, require sewer connection, and asked to have the annexation fee adjustment proposal presented at the next Council Meeting.

2. Central Heber Water and Sewer Line Project Update (Funk) – 10 min

GB Item 2 PP Presentation

City Engineer Russ Funk provided a project status overview. He addressed the trail alignment proposed by the POSTT (Parks, Open Space, Trails, and Trees) Committee. The placement of property-line markers had resulted in concern from residents.

APPROVED

Residents had built improvements such as fences and sheds, as well as planted trees, on City-owned right-of-way land. Mr. Funk expressed his concerns and asked for direction from Council to proceed. Council discussion continued.

Phil Lyons, homeowner along the right-of-way, had lived there for 48 years. He said there was a fence post on his property that had been there for a hundred years. He detailed the 13-foot discrepancy between his recorded deed of land ownership and Sunrise Engineering's marking of the property line. He shared conversations with Heber City Engineering Staff and Sunrise Engineering Consultants. He stated he did not have a problem with the proposed trail as long as it did not encroach on his property. He felt if government had reached the point where it felt it could take whatever it wanted, from whomever it wanted, whenever it wanted, it was akin to 1939 Germany. The Engineering Staff agreed to follow-up with Mr. Lyons.

3. Follow up to Section B Bypass Open House held November 9, 2022 (Brower) - 15 min

Mr. Brower reviewed the successful Open House held for the public to learn more about the Eastern Bypass. He provided possible construction timeline details of the three separate sections of the Bypass. A realignment was proposed from the roundabout to move a portion of the road along the City Cemetery further from the bordering homes. Parks and Cemetery Director Mark Rounds pointed out the realignment would bisect the Cemetery, disrupt the Cemetery Master Plan design, disrupt accessibility to a portion of the Cemetery, and lessen the value of many premium plots. City Engineer Russ Funk indicated he needed Council direction regarding the Bypass alignment in order to proceed with a water line extension in the area.

Motion: Council Member Kahler moved to open the agenda item to public comment. Council Member Barney made the second. Council Member Johnston asked only new comments regarding the proposed realignment come forward. **Voting Yes:** Council Members Barney, Johnston, Kahler, Phillips, and Stack. **Voting No:** none. The **Motion Passed unanimously, 5-0.**

Brett Anderson, homeowner on Valley Hills Drive that would be impacted by the Bypass, expressed appreciation for the opportunity to speak to Council. Ideally, he felt the affected homeowners would like to see the realigned option moved further from their property lines and into the Cemetery.

Robert Scarbeary, homeowner on Valley Hills Drive that would be impacted by the Bypass, felt he was more greatly impacted as the addition of the Bypass would frame his home with three roads. He felt the road realignment through the cemetery would help alleviate some of the impact on the affected homeowners.

Julie Wood, homeowner on Valley Hills Drive that would be impacted by the Bypass, expressed understanding that the Bypass was inevitable but appreciated anything the Council could do to alleviate the impact on the property-owners that would be directly affected. She was concerned with the safety of the roundabout alignment. She appreciated the Council working with the residents.

APPROVED

Consensus of Council majority was to proceed with the alternate alignment of the Bypass as proposed.

VIII. ACTION ITEMS:

1. Consider Adoption of Ordinance 2022-27 to approve the North Village Annexation and accompanying MDAs (Master Development Agreements) for the Finch Creek, North Village Views, Gold Stream, and Luekenga developments (Kohler) – 15 min

Item 1 NV Annexation-Ord 2022-27

Planning Director Tony Kohler listed the changes to the MDAs (Master Development Agreements) as requested by Council during the preceding Work Meeting. Mr. Funk asked to include the completion of the Master Plan Roads with phase one in the MDAs as well.

Mayor Franco opened the meeting for public comment.

Kelli Gomez felt the density for the developments proposed in the North Village annexation did not align with the Envision Heber Master Plan and hoped that going forward, Council would better consider what the citizens of Heber wanted for responsible growth in Heber City. She appreciated the time Council spent making the decisions for the City. She hoped they would help keep the small town feel in Heber City.

Mike Dixon felt the Luekenga property was proposing a high-density development in his backyard. He did not support the proposed development and hoped the density would be kept lower if possible.

Motion: Council Member Phillips made the motion to adopt Ordinance 2022-27 approving the North Village Annexation and associated MDAs with the findings and conditions as presented in the Staff Report with the changes listed by Tony Kohler and that the Master Plan Road System be completed in Phase one. Council Member Kahler made the second.

Discussion: Council Member Stack felt it was important for the residents concerned to understand that the City Council was not allowing increased density with the Annexation. The density had been granted by zoning in the County long before. Council Member Barney pointed out the Annexation had been brought to the City because the County was not giving the landowner/developers what they wanted. She said she would not vote to approve based upon the high density.

Voting Yes: Council Members Johnston, Kahler, Phillips, and Stack. **Voting No:** Council Member Barney. The **Motion Passed 4-1.**

2. Consider Adoption of Ordinance 2022-30 to approve a Development Agreement for Agape, Inc., located at 90 East 900 South. (Baron) – 15 min

Item 2 Staff Report - Ord 2022-30 Agape DA

APPROVED

Agenda item number two was approved with the Consent Agenda.

3. Discuss and approve MOU with Wasatch County permitting the creation of an Island or Peninsula for the Wasatch School Site Annexation and Fitzgerald Annexation (Kohler) - 5 min

Item 3 Annexation Peninsula MOU

Council Member Stack recused himself from the discussion and vote for agenda item three.

Planning Director Tony Kohler explained the Memorandum of Understanding (MOU) was a requirement of the State when an annexation created an island or a peninsula.

Mayor Franco opened the meeting for public comment.

Paul Berg, with Berg Engineering and representing the Wasatch School Site Annexation, expressed thanks to Heber City Staff and Wasatch County for working together to create the MOU and hoped Council would approve the agreement in order for the future school to be in Heber City. Mike Bradshaw, representing the Fitzgerald Annexation, thanked the Council and Staff as well.

Motion: Council Member Phillips moved to approve the Wasatch School Site and Fitzgerald Annexations MOU with the findings and conditions in the Staff Report. Council Member Kahler made the second. **Voting Yes:** Council Members Kahler, Johnston, and Phillips. **Voting No:** Council Member Barney. Council Member Stack was recused. The **Motion Passed 3-1.**

4. Consider approval of the appointment of Jeremy Cook with the Cohne Kinghorn Firm, as City Attorney starting Dec 1, 2022 for a two year term (Franco)

RFQ For Heber City Attorney Services - Updated
Cohne Kinghorn Proposal - Heber City Attorney Oct 2022

Council discussion proposed including the following in the contract:

- Contract term would include a 90-day notice for termination
- An annual pay increase by an established percentage
- Negotiation of a flat fee for Council Meeting attendance
- Use of the law firm's partners and paralegals at their established billing rate
- Follow the City's established rules for consultants
- Start date as soon as possible upon completion of contract negotiations

Motion: Council Member Stack moved to approve the appointment of Jeremy Cook as City Attorney with the said term to commence as soon as practicable subject to contract negotiations with the City Manager with the terms and conditions of said contract to be pursuant to Council direction as stated on the record. Council Member Barney made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** none. The **Motion Passed unanimously, 5-0.**

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5. Approve the CDBG Capital Improvements List and CIB List (Baron) - 10 min

Item 5 Staff Report - 2023 CIP

Senior Planner Jamie Baron reviewed the Capital Improvement Projects (CIP) list requirements in order for the City to qualify for grants from the Community Development Block Grant (CDBG) and the Community Impact Board (CIB).

Mayor Franco opened the meeting for public comment. None came forward.

Motion: Council Member Stack moved to approve the CDBG Capital Improvements list and the CIB list subject to the modification that both items referring to Red Ledges Park be amended to refer only to the soft-fall component at the park, with the estimated cost update. Council Member Kahler made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, Phillips, and Stack. **Voting No:** none. The **Motion Passed 5-0.**

6. Establish Dates and Topics for 2023 Annual City Council Retreat (Brower) - 5 min

Council Member Barney wished to have a guest speaker address affordable housing. Mayor Franco wished to hold discussion regarding water conservation. Council Member Phillips wanted to discuss the possibility of purchasing the County Building to extend the City offices and look into hiring more permanent employees in the City and moving away from consultants. Council Member Johnston agreed and proposed the City establish a 30-year plan. He wished to see the City offices remain in the Tabernacle and the current block on Main Street. Council determined to hold the 2023 Annual City Council Retreat on Tuesday, January 10, 2023, from 5:00 p.m. to 9:00 p.m. and Wednesday, January 11, 2023, from 5:00 p.m. to 9:00 p.m.

7. Consider approval of the 2023-2024 Fiscal Budget Calendar (Bingham) - 5 min

Item 7 Staff Report 2023-2024 Fiscal Budget Calendar

Agenda item number seven was approved with the Consent Agenda.

8. Consider Adoption of Ordinance 2022-31 to approve the 2023 Annual City Council Meeting Schedule (Cooke) - 5 min

Item 8 Staff Report Ordinance 2022-31 Annual Meeting Schedule

Agenda item number eight was approved with the Consent Agenda.

IX. CLOSED EXECUTIVE SESSION-9:00 P.M.

1. Ongoing or Reasonably Immanent Litigation

APPROVED

Motion: Council Member Phillips moved to enter Closed Executive Session for the purpose of discussing ongoing or reasonably imminent litigation. Council Member Stack made the second. **Voting Yes:** Council Members Barney, Johnston, Kahler, Phillips, and Stack. The meeting entered Closed Executive Session at 9:04 p.m.

City Council Present:	Mayor Heidi Franco Council Member Yvonne Barney Council Member Mike Johnston Council Member Rachel Kahler Council Member Scott Phillips Council Member Ryan Stack
Staff Present:	City Manager Matt Brower City Attorney Mark Smedley
Also Present:	Special Airport Counsel Steve Osit

Motion: Council Member Stack moved to end the Closed Executive Session. Council Member Phillips made the second. The Closed Executive session ended at 5:00 p.m.

X. COMMUNICATION:

XI. ADJOURNMENT:

Motion: Council Member Stack moved to adjourn. Council Member Kahler made the second. The meeting adjourned at 11:22 p.m.

HEBER CITY CORPORATE Seal WASATCH COUNTY, UTAH

Trina Cooke, City Recorder

APPROVED

From: Lynette Berg
Sent: Saturday, November 12, 2022 11:19 AM
To: CC Public Comments <ccpublic@heberut.gov>
Subject: (EXTERNAL) 1790 South/Hidden Creek Lane name removal support

Caution: This is an EXTERNAL email. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department

To: Heber City Council

We would like to express our support to the Council for removal of the name "Hidden Creek Lane" from 1790 South in Heber City.

We request and support removing the name from 1790 South for the following reasons:

1. Hidden Creek Lane on the east side of Mill Road is a private road.
2. 1790 South does not connect to Hidden Creek Lane on the east side of Mill Road. Two roads with the same name that don't connect will cause unnecessary confusion for those looking for addresses on both roads.
3. 1790 South does not align with Hidden Creek Lane. In order for them to meet, it would require a curved road through the Forest Service property and this may never be open for development. This means that it is likely the two roads will never connect.
4. The development on the west side of Mill Road (Sawmill Development) is within Heber City boundaries and the east side of Mill Road and Hidden Creek Lane is within Wasatch County jurisdiction. According to the agreement between Heber City and Wasatch County, the city boundary will not cross east of Mill Road, and therefore it could cause problems in the future to have two roads of the same name within two jurisdictions.

We ask and support the removal of the name "Hidden Creek Lane" from 1790 South.

We appreciate your efforts to rectify this situation.

Respectfully,

Tod and Lynette Berg
Kelsey Berg
Kameron and Lorrie Kohler
Jake and Natalie Lundquist
Rachel Michael
Brent and Ginger Baker
Eric and Suzy Anderson
Starla Phillips
Tanner and Shelby Phillips

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